

Article 1

Purpose and Intent

- 1-1 There is a mutual responsibility between the County of Madison and the developer to develop land in an orderly manner.
- 1-2 The Site Development Plan Ordinance is prepared under the Authority granted to the County of Madison as set forth in Title 15.1, Chapter 11, Article 8 of the Code of Virginia.
- 1-3 The Ordinance is designed to encourage innovative and creative design and facilitate use of the most advantageous construction techniques in the development of land in Madison County.
- 1-4 The Ordinance is intended to insure ample provisions for the efficient use of land and to promote high standards in the lay-out, design, landscaping and construction of development.
- 1-5 The Site Development Plan is presented to supplement those regulations and requirements contained in the Subdivision, Water Protection, and Zoning Ordinances of Madison County and is intended to further the purpose and provisions of the Comprehensive Plan, plus the standards and criteria for construction of facilities in the County.
- 1-6 This Ordinance bears no relation to any private easement, covenant, agreement or restriction, nor is the responsibility of enforcing a private easement, covenant, agreement or restriction implied herein to any public official. When this Ordinance calls for more restrictive standards than are required by private contract, the provisions of this Ordinance shall control.
- 1-7 The specific purposes of this Article are:
 - 1-7-1 To insure compliance with the requirements of this chapter. (See 1-2)
 - 1-7-2 To state the specific additional requirements applicable to the development of land in certain zoning districts in the County of Madison.
 - 1-7-3 To prescribe the standards for the preparation and submission of site

development plan drawings and for the design and construction of required improvements, by this document or adopted standards referenced thereto.

- 1-7-4 To specify the types of development or land use for which submission of a site plan shall be required.
- 1-7-5 To define and establish the responsibilities of the departments, divisions and other agencies of County Government for site development plan processing, review and approval.
- 1-7-6 To designate the approving and reviewing authority for the County on site development plans relative thereto.
- 1-7-7 To authorize a schedule of fees for site development plans.
- 1-7-8 To provide a system to insure compliance with approved site development plans.
- 1-7-9 To define violations and penalties.
- 1-7-10 To provide a system of notifying adjoining property owners of site development plan submission.

Article 2

Title of Ordinance

The Ordinance is known and may be further cited as the "Site Development Plan Ordinance of Madison County, Virginia".

Article 3

DEFINITIONS (Words and Terms)

For the purpose of this ordinance, terms used here shall be interpreted and defined as follows: Words used in the present tense shall include the future; words used in the singular number include the plural, and the plural the singular unless the natural construction of the word indicates otherwise; the word "lot" includes the word "parcel"; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapprove". The word "current" shall mean the point in time at which a matter is under consideration and shall not mean the date of adoption of this ordinance. Any reference to this ordinance includes all ordinances amending or supplementing the same and the dates of their additions or deletions. All distances and areas refer to measurement in a horizontal plane.

- 3-1 Accessory Building: A subordinate building which is incidental to that of the main building or to the use of the premises.
- 3-2 Agent: Person or persons appointed to serve as the representative (agent) of Madison County, Virginia.
- 3-3 Board of Supervisors: The Board of Supervisors of Madison County, Virginia.
- 3-4 Building: A structure having one or more stories and a roof designed primarily for support and shelter of persons, animals, or property of any kind. When a building or structure is divided into separate parts by fire walls, and having separate plumbing, electrical, heating, drainage and ventilation, each part so divided shall be deemed a separate structure.
- 3-5 Building Line: Distance of a building from any lot boundary line.
- 3-6 Building, height of: Vertical distance from the grade of the highest point on the coping of a flat roof or to the deck line of a mansard roof, or to the

average height of the highest gable of a pitch of hip roof. The finished grade shall be the point of measurement of the total height of the building and the elevation of finished grade shall be duly established and adopted according to law as designated by the Administrator, as defined in the Zoning Ordinance of Madison County, Virginia.

- 3-7 County: Madison County, Virginia.
- 3-8 Cul-de-sac: A street with only one outlet having an appropriate turn-around area for a safe and convenient reverse of traffic movement.
- 3-9 Design and Construction Standards: Specifications and standards as adopted by or applicable in the County of Madison relating to the construction of all physical improvements.
- 3-10 Developer or Subdivider: An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity having legal title to any tract or parcel of land to be developed, whether or not they have given their power of attorney to one of their group, or another individual or entity to act on their behalf in planning, negotiation or in representing or executing the requirements of the ordinances of Madison County, Virginia.
- 3-11 Easement: A grant by property owner of the use of land by another party for a specific purpose or purposes.
- 3-12 Health Official: The Director of the Health Department for Madison County, Virginia, or his designated agent.
- 3-13 Highway Engineer: The Resident Engineer of the area of Madison County employed by the Virginia Department of Highways and Transportation.
- 3-14 Historic District: An historic district shall mean a geographically definable area designated by local, state or federal government which contains a significant concentration of historic buildings, structures or sites, sharing a common historical, architectural or cultural heritage.
- 3-15 Improvements: All utilities, facilities, signs, lights, buildings, and structures

including but not limited to streets, cul-de-sacs, storm and sanitary sewers, water lines, curb and gutter and landscaping required pursuant to the terms of the ordinances of Madison County, Virginia.

- 3-16 Landscape Design: The planned treatment of land, structures, and flora complimenting building construction or land development.
- 3-17 Off-site: Any area which does not fall within the boundary of property to be developed, or planned, but generally lies in proximity to it.
- 3-18 On-site: That area within the boundary of any land to be developed or planned.
- 3-19 Open Space: Water or land left in undisturbed open condition or developed as a landscaped area unoccupied by habitable buildings, streets, or parking lots.
- 3-20 Performance Bond: A bond of surety, escrow account and cashier's check, and/or cash deposit approved by the Governing Body equal to the full cost of improvements required by these regulations and providing for completion of said improvements within a definite term.
- 3-21 Planning Commission: The Planning Commission of Madison County, Virginia.
- 3-22 Site Development Plan: Detailed drawings indicating all building construction and land improvements, including landscape treatments and related information as required by the ordinances and policies of Madison County, Virginia.
- 3-23 Specifications: A detailed, precise presentation of the materials and procedures to be employed in the construction of all physical improvements required by the ordinances applicable in Madison County, Virginia.
- 3-24 Street, width: The total width of the strip of land dedicated or reserved for public travel including roadway, curb and gutter, sidewalks, planting strips, and where necessary, utility easements.

3-25 Subdivide: The process of dividing land to establish a subdivision.

3-26 Use: Activity proposed for any portion or part of a parcel, tract, or lot.

Article 4

Development or Land Use Requiring a Site Development Plan

A site development plan is required and shall be submitted for the following:

- 4-1 Any use or development, involving new construction or reconstruction in all zoning districts except single family detached dwelling units as permitted in the zoning ordinance, or agricultural uses on active farms.
- 4-2 Expansion of an existing structure or addition of an accessory building, except single family detached dwelling units or agricultural uses as permitted by the Zoning Ordinance where such expansion or addition exceeds 500 square feet.
- 4-3 When a change is proposed in a previously approved site development plan.
- 4-4 When an existing residential use is proposed for change to a commercial, industrial, or multi-family residential use in the above mentioned districts.
- 4-5 All public buildings and institutions.
- 4-6 All other uses involving a building structure required to be reviewed by the Planning Commission under Section 15.1-456 of the Code of Virginia, as amended.
- 4-7 All new structures approved for construction in any Historic District of Madison County, Virginia.

Article 5

Information Required Generally for a Review of a Site Development Plan Pursuant to this Ordinance

Anyone who makes an application to the County for approval of a site development plan under the provisions of this ordinance shall submit materials including the actual site plan drawing, which provide information on the following general items:

- 5-1 Location of tract or parcel and land marks sufficient to properly identify the location of the property.
- 5-2 Signature of property owner or owners acknowledging submission of a site plan for approval.
- 5-3 All existing and proposed streets, and easements, their names, numbers, and widths; and location and names of all water courses; existing and proposed utilities of all types; adjoining property owners and the zoning.
- 5-4 Location, type, and size of vehicular ingress and egress to the site as required by the Virginia Department of Highways and Transportation.
- 5-5 Location, type, size and height of all fencing, screening and retaining walls where required under the provisions of this article.
- 5-6 All off-street parking, loading spaces, and a specific schedule showing the number of parking spaces provided and the number required in accordance with the Zoning Ordinance of the County of Madison.
- 5-7 Number of floors, floor area, height and location of each building, and proposed general use for each building; if a multi-family residential building, townhouse or patio house, the number, size, and type of dwelling units shall be shown.
- 5-8 Location of all existing and proposed water and sanitary sewer facilities.
- 5-9 Provisions for the adequate disposition of natural and stormwater on and

off-site, including approval of a stormwater management plan where required by the Madison County Water Protection Ordinance.

- 5-10 Provisions for the adequate control of erosion and sedimentation indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading and construction. These may be reviewed under the procedures established in the County Soil Erosion and Sedimentation Control Ordinance.
- 5-11 Provisions for an adequate landscape design plan and appropriate fencing and screening.

Article 6

Site Development Plan Drawing Preparation Instructions

Part I - General Preparation Format

All site development plan materials submitted shall meet the following preparation standards for the drawing format:

- 6-1 Every site plan shall show the name of the development, the name and address of the owner or developer, county, state, north point, date, scale of drawing, number of sheets and signature of property owner or owners.
- 6-2 A site development plan may be prepared on one or more sheets to show clearly the information required by this article and to facilitate the review and approval of the plan. If prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.
- 6-3 Any notes that are necessary to explain the intent and purpose of specific items required on the plan shall be placed on the subject plan.
- 6-4 References to pertinent standards and criteria for construction, adopted by the County, shall be placed on the subject plan.

Part II - Specific Items to be Shown on the Site Plan Drawing

To satisfy the technical review requirements of this ordinance, any site development plan drawings submitted for final approval shall show detailed information on the following specific items:

- 6-5 Streets and Other Vehicular Travelways
 - 6-5-1 Right of way lines, lot numbers, subdivision limits and building location.
 - 6-5-2 The width of rights of way and all easements. Easements and rights of ways of all utilities shall be clearly defined for the

purpose intended, and whether they are to be publicly or privately maintained.

6-5-3 Connection to Virginia Department of Highways and Transportation when necessary.

6-6 Public Utilities

6-6-1 Easements and rights-of-way of all utilities, clearly defined for the purpose intended, and whether they are to be publicly or privately maintained.

6-7 Drainage Facilities

6-7-1 All existing and proposed drainage easements clearly identified as such.

6-7-2 Floodplain limits which shall be established by the official Madison County Zoning Map, as based on the Flood Hazard Boundary Maps prepared by the U. S. Department of Housing and Urban Development dated February 24, 1978 and any subsequent amendments thereto, as may be established or required by the Agent for Madison County.

6-7-3 When any stream or substantial surface drainage course is located in the area being subdivided no land disturbing activity shall be permitted within fifty (50) feet of each side of the stream or drainage course, except as provided below. This area shall be shown on the site plan. The following activities shall be permitted in such restricted area:

(1) Normal groundskeeping, landscaping, home gardening and maintenance activities shall be permitted in the area immediately surrounding a dwelling or other structure which was in existence on September 1, 2009.

(2) Construction of a new dwelling or other structure on a lot of record that was approved prior to September 1, 2009.

(3) Replacement of a dwelling or other structure that existed on September 1, 2009 shall be permitted within a restricted area, if the replacement structure is situated within the original footprint of the structure.

(4) Expansion of a dwelling that existed on September 1, 2009 shall be permitted within a restricted area, so long as the footprint of the original dwelling will not be increased by more than fifty percent (50%).

(5) Construction and maintenance of a driveway or road shall be permitted within a restricted area, if there is no reasonable location outside the area that would allow reasonable access to a usable portion of a lot; and construction of road and utility crossings shall be permitted; provided that, to the extent practicable, such activities shall be constructed in a manner and location of minimum impact to the stream buffers, preferably crossing at a 90 degree angle.

(6) Construction, installation and maintenance of water and sewer facilities or sewage disposal systems on lots of record approved prior to September 1, 2009 shall be permitted if there is no reasonable location outside the restricted area (subject to health department approval);

(7) Agricultural activities (excluding construction of new or expanded buildings) conducted on land that is enrolled in the County's land use taxation program.

(8) Construction and maintenance of: docks, piers, boat launches, and passive recreation areas; construction and maintenance of improvements necessary for historic preservation; and archaeological activities shall be permitted within a restricted area, provided that all applicable federal, state and local permits have been obtained.

(9) Construction and maintenance of a lake, pond, or ecological/wetland restoration project shall be permitted within a restricted area, provided that all applicable federal, state and local

permits have been obtained; and

(10) Construction and maintenance of on-site or regional stormwater management facilities and temporary erosion and sediment control measures such as silt fences or super silt fence shall be permitted within a restricted area, provided that:

(vi) Selected erosion and sediment measures do not harm the natural infiltration of the restricted area and land disturbance is minimized;

(vii) To the extent practical, the location of such facilities shall be outside of the restricted area;

(viii) No more land shall be disturbed than is necessary to provide for construction and maintenance of the facility;

(ix) The facilities are designed and constructed so as to minimize impacts to the functional value of the restricted area for protecting water quality; and

(x) Any facilities that are located within a floodplain adhere to the requirements of the Madison County Floodplain Management Ordinance.

Article 7

Developer Responsibility for Site Improvements: Required Procedures, Design and Construction

Part I - Developer Responsibility for Site Improvements, Required Procedures

7-1 Construction of Improvements

All improvements required by this Article shall be installed at the cost of the developer and in accordance with design and construction standards of the County of Madison. Where cost sharing, or reimbursement agreements between the County of Madison and the developer are appropriate, the same shall be entered into by formal agreement prior to final site development plan approval, and may be subject to approval where appropriate by the Virginia Department of Highways and Transportation for review and acceptance. In cases where specifications have been established either by the Board of Supervisors of Madison County, Virginia, or by the Virginia Department of Highways and Transportation for construction of streets, etc., or by this Ordinance for related facilities and utilities, such specifications shall be followed.

The developer's performance bond as discussed below shall not be released until construction has been inspected and accepted by an appropriate engineer or agent for the County and by the Virginia Department of Highways and Transportation where appropriate.

7-2 Agreement to Construct, Performance Bond

Prior to approval of any site plan there may be required of the owner or developer and submitted with the site plan an agreement to construct such required physical improvements as are located within public rights of way or easements or as are connected to any public facility in form and substance as approved by the County, together with a bond with surety, cashiers check or escrow account in the amount of the estimated cost of the required improvements as determined by the Board of Supervisors for the County of Madison. The aforesaid agreement and bond or condition shall be provided for completion of all work covered thereby within the time to be determined

by the Board of Supervisors, which time may be extended by the County Board of Supervisors upon written application by the owner or developer, signed by all parties (including sureties) to the original agreement. The adequacy, conditions, and acceptabilities of any bond hereunder shall be determined by the Board of Supervisors.

7-3 Site Supervision

It shall be the responsibility of the developer to provide adequate supervision and inspections on the site during the installation of all required improvements.

7-4 Improvement Acceptance

The approval of the site development plan or the installation of the improvements as required in this Ordinance shall in no case serve to bind the County to accept such improvements for maintenance, repair or operation thereof. Such acceptance shall be subject to the County and/or State regulations, where applicable, concerning the acceptance of each type of improvement.

Part II - Standards for Design and Construction of Site Development Plans and Improvements

In addition to those improvements and standards specified in other sections of this Article, the following minimum standards and improvements shall also be required:

7-5 Streets and Other Vehicular Improvements

7-5-1 Cul-de-sacs are to be designed and constructed as a street and may not be construed or employed for parking.

7-6 Lots and Other Site Divisions

7-6-1 Lot sizes for residential areas shall conform to the Zoning Ordinance in effect for the County at the time of filing of the site development plan.

7-7 Public Utilities and Drainage Improvements

- 7-7-1 Adequate easements shall be provided for drainage and all utilities on any parcel or tract.
- 7-7-2 Adequate drainage for the disposition of storm and natural waters both on and off-site shall be provided, and an approved stormwater management plan shall be provided where required by the Madison County Water Protection Ordinance.
- 7-7-3 Provision shall be made for all necessary temporary and permanent erosion and sedimentation control measures.
- 7-7-4 The developer shall provide for all utilities and services required, to include both on-site and off-site improvements. The determination of the exact improvements required, i.e., size of lines and capacities, is to be established by the developer on the advice of appropriate officials, authorities, departments, and/or consultants having expertise on the subject.

Percolation tests and/or other methods of soil evaluation deemed necessary by the Madison County Health Department wherever required shall be the responsibility of the developer.

When public water and/or sewer systems having sufficient capacity either exist or are proposed within a reasonable distance of the area of the site development plan, provisions shall be made to connect to the system.

7-8 Other Site Standards

- 7-8-1 Landscape planting, screening, fences, walks, curbs, gutters, and other physical improvements as required by this Ordinance, or other ordinances of the County and the regulations of the Virginia Department of Highways and Transportation where appropriate, shall be provided by the developer.

Article 8

Administration of the Ordinance, and Processing Procedures for Site Development Plans

- 8-1 Authority to Administer: The Agent appointed by the County is hereby delegated the authority and power to administer the Site Development Plan Ordinance as provided in Section 15.1-491 of the Code of Virginia, 1950 as amended.
- 8-2 Agent to the Board: The Planning Commission or Zoning Administrator is hereby designated as the Agent(s) representing the Board of Supervisors for Madison County, Virginia.
- 8-3 Duties as Authorized: The Agent shall perform his duties with regard to the development of land requiring site development plans in accordance with this Ordinance and with Title 15.1, Article 8 of the Code of Virginia, 1950 as amended, and in accordance with the Code of the County of Madison.
- 8-4 Additional Administrative Procedures: In addition to the regulations contained herein, the Agent(s) subject to the approval of the Board of Supervisors, may from time to time establish reasonable additional administration of the Ordinance. Procedures so established shall govern the administration of the Ordinance.
- 8-5 Pre-filing Conference: Developers of sites subject to the provisions of this ordinance are encouraged to discuss with staff officials of Madison County the ordinance requirements and procedures, and their proposals for site development, either conceptually or as to be officially submitted, prior to the date of official request for approval of such site development plan.
- 8-6 Processing Initiation: The processing of a proposed site development plan under the provisions of this ordinance will begin on the date that all materials required by this ordinance have been submitted to the Agent(s).

- 8-7 Submittal Copies: As part of the materials required for submittal, the applicant shall submit sufficient copies of a site development plan as determined by the Agent of the Board of Supervisors.
- 8-8 Processing Responsibility: The Planning Commission or its designated representative is responsible for the processing and review of site development plans which have been submitted. To this end this person is responsible to request additional agency and consultant reports appropriate to the review of submitted site development plans.
- 8-9 Additional Opinions: In the performance of his duties, the Agent(s) may request opinions and/or decisions, either verbal or written, from other departments, divisions, agencies, or authorities of the County government; from officials, departments, or agencies of the Commonwealth of Virginia; or from other qualified persons as may be retained.
- 8-10 Notification of Adjacent Property Owners: Property owners shall be notified by the Zoning Office of Madison County in accordance with Title 15.1-431 of the Code of Virginia, 1950 as amended.
- The notification shall read specifically as follows:
- "This is to notify you that
has submitted a site development plan for approval to the
Zoning Office, County of Madison, County Office Building,
Madison, Virginia, 540-948-6102. This site plan may be
reviewed at the above office during normal business hours.
- The notice shall also state: the type of use, date of meeting and the specific location of the proposed development. Additional information may be supplied at the discretion of the developer.
- 8-11 Planning Commission Review: After a thorough review of the proposed site development plan by the Zoning Administrator, the site development plan shall be reviewed by the Planning Commission. The Planning Commission shall make their recommendations to the Board of Supervisors.

- 8-12 Pertinent Reports: The Planning Commission shall not make any recommendations on such to the Board of Supervisors until after written or spoken (and notice) reports are received from all responsible state and local departments, etc. and consultants relative to the following matters and brought into the decision making process.
- 8-12-1 The location and design of vehicular entrances and exits, in relation to streets giving access to the site.
- 8-12-2 The concurrence of the Virginia Department of Highways and Transportation for the location and design of the vehicular entrances and exits to and from state maintained streets and highways.
- 8-12-3 Location and adequacy of automobile parking areas.
- 8-12-4 Adequate provision for traffic circulation and control within the site and in relation to adjacent properties.
- 8-12-5 Compliance with design criteria, standards, and specifications for all improvements required under this Ordinance, other ordinances or regulations of Madison County or as may be additionally required by a duly adopted resolution of the Board of Supervisors.
- 8-12-6 Compliance with the requirements of this article and other articles of the County of Madison Zoning Ordinance regarding landscaping, grading, screening, setbacks, height, bulk and density.
- 8-12-7 Availability of all utilities.
- 8-12-8 Adequacy of drainage, (including an approved stormwater management plan, where required by the Madison County Water Protection Ordinance) water supply, fire protection and sanitary sewer facilities.
- 8-12-9 Statement of review and recommendations by the Health Department relative to proposed septic systems and water supply systems to include grading and drainage considerations related to the systems.

No site development plan shall be approved where individual water supply and/or septic tanks are proposed until written approval has been secured from the Health Director. The Director or his agent shall determine the suitability of the soil and topography for septic tank systems with sub-surface disposal, and shall not approve such proposed development plans when satisfactory service is not reasonably anticipated.

- 8-12-10 Adequate provision of erosion and sedimentation control measures as required and approved under the provisions of the Madison County Soil Erosion and Sedimentation Control Ordinance.
- 8-12-11 Adequacy of existing and/or proposed schools, parks and recreational facilities.
- 8-12-12 General conformance with the recommended site development plan preparation procedures.
- 8-13 Final Approval: The Board of Supervisors shall grant final approval of site development plans. A site may only be developed in accordance with its approved site development plan. No required permits shall be granted by the Agent(s) and no construction shall be initiated by the developer following final site development plan approval until after the Board of Supervisors has approved and certified any required bonding of improvements or dedication of land to the public and/or improvements from the subject site.
- 8-14 Decision Time Limit: Approval or disapproval of a site development plan and subsequent bonding approval by the Board of Supervisors shall occur within 90 (ninety) days of receipt of all the documents and materials required by this ordinance in the office of the Agent(s), unless abnormal and unusual circumstances exist. In which case, the approval time may be extended for a specified period of time by the Board of Supervisors.
- 8-15 Approval, Expiration and Extension: Approval of a site development plan under the provisions of this ordinance by the Board of

Supervisors shall expire (twelve) 12 months after the date of such approval by the Board of Supervisors unless building permits have been obtained for construction of the site plan as approved. A single one (1) year extension may be given by the Board of Supervisors upon a written request to the Agent(s) by the applicant which is made no more than sixty (60) days nor less than thirty (30) days before the expiration date of the approved site plan. The Agent(s) shall acknowledge the request upon receipt, and the Board of Supervisors shall make a decision on the requested extension within thirty (30) days of the request receipt. If such extension is granted, the duration of the performance bond with surety agreements shall also be extended in accordance with established County procedures.

- 8-16 Permits for Construction: No permit required for the construction of any building or improvement in an area governed by an approved site development plan shall be issued by any administrative office or agent of the County except in conformity with the duly approved site development plan and the provisions of this ordinance.
- 8-17 Periodic Inspection: The County and State agencies responsible for the supervision and enforcement of the various requirements of this ordinance shall perform periodic inspections of the site development throughout the period of construction.
- 8-18 Bond Release: Upon satisfactory completion of the required improvements, the Agent(s) or the Agent's designated representative will authorize the release of the bonds which shall have been furnished for the guarantee of satisfactory installation of such improvements or parts thereof.
- 8-19 Waiver Provision: Any requirement of this ordinance may be waived by the Board after recommendation of the Planning Commission in specific cases where such requirement is deemed to be overly restrictive or unreasonable. In such cases, a waiver shall not be adverse to the purposes of this ordinance.
- 8-20 Change on Approved Site Plan: No change, revision, or erasure shall be made on any pending or final site development plan, nor on any

accompanying data sheets, on which approval has been endorsed by the approving body, unless authorization for such changes is granted in writing by the approving body or its designated agent as authorized.

8-21 Revision of Approved Site Plan: Any approved site development plan may be revised if such revision is accomplished in the same manner as the original approval.

8-22 Fee for Ordinance Review: The Board of Supervisors shall establish or change from time to time a schedule of fees for the examination and approval or disapproval of site development plans.

Such fee shall be made payable to the Treasurer of Madison County, Virginia.

Article 9

Violation and Penalties

- 9-1 Any person, whether as owner, developer, lessee, principal agent, employee, or otherwise, who violates any of the provisions of this Ordinance, or who permits any such violation, or who fails to comply with any of the requirements hereof, or who erects any building or uses any building or any land prior to the approval of a site plan shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than \$10.00 and not more than \$250.00 per day. Each day which such violation continues shall constitute a separate offense.
- 9-2 Any building erected, or improvements constructed contrary to any of the provisions of this Ordinance or any use of any building or land which is conducted, operated, or maintained contrary to any provision of this Ordinance shall be declared to be unlawful.
- 9-3 The Agent(s) for the County of Madison, or his designated representative may initiate an injunction, mandamus, or any other appropriate action to prevent, enjoin, abate, or remove such improvement or use in violation of any provision of this Ordinance. Such action may also be instituted by a property owner who may be particularly damaged by a violation of any provision of this Ordinance.
- 9-4 The Agent(s) or his designated representative shall serve notice of violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the Agent(s) has specified, he shall institute such action as may be necessary to terminate the violation. The remedies provided for in this article are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

Article 10

Amendments

Any regulation or provision of this ordinance may be changed or amended from time to time by the Board of Supervisors, Madison County, Virginia, in accordance with Section 15.1-431 of the Code of Virginia as amended, and in accordance with the County Code as is established currently or as may be amended.

Article 11

Validity

If any article, sub-article, clause or phrase of this Ordinance is for any reason held to be unconstitutional or void, such decision shall not effect the validity of the remaining portions of the Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each article, sub-article, sentence, clause and phrase thereof irrespective of the fact that any one or more articles, sub-articles, sentences, clauses or phrases is declared invalid.

Article 12

Effective Date

This Ordinance shall be effective upon the date of adoption by the Board of Supervisors of Madison County, Virginia.